

From: maria torres [mailto:mujercoahuilteca@gmail.com]

Sent: Tuesday, January 07, 2014 12:32 PM

To: Mark Wolfe <Mark.wolfe@thc.state.tx.us>; pat.mercado-allinger@thc.state.tx.us;  
gbaxterep@yahoo.com; al.armendaris@sierraclub.org; Javier Riojas <jriojas@trla.org>;  
yosolo3@yahoo.com; feedback@bia.gov; stephen\_morris@nps.gov; jonathan\_putnam@nps.gov;  
valerie Hauser <vhauser@achp.gov>; Jfowler@achp.gov; wdancingfeather@achp.gov;  
jmarques@achp.gov; feedback@ios.doi.gov; dgover@narf.org; hale.jennine@epa.gov; Gee, Randy  
<Gee.Randy@epa.gov>; Caroline D. Hall <chall@achp.gov>; Jerome Collins  
<jerome.collins@sierraclub.org>; Kirsten B. Kulis <kkulis@achp.gov>; Mark Denton  
<Mark.Denton@thc.state.tx.us>; kwhite@citizen.org; evaldivia@trla.org; Paul Tough  
<ptough@msmtx.com>; Tom Weber <tweber@msmtx.com>; Eddie Morales  
<hmorales@langleybanack.com>; Celeste Lira <clira@brinandbrin.com>; croberts@langleybanack.com;  
sahl@langleybanack.com; David Frederick <dof@lf-lawfirm.com>; Sam Day-Woodruff <sam@lf-  
lawfirm.com>; kickapoolegal@yahoo.com; robert.valencia@pascuayaqui-nsn.gov;  
david.saucedo@co.maverick.tx.us; commissionerrosales@gmail.com; mayorcantu@eaglepasstx.us;  
sgarcia@eaglepasstx.us; alapaz@matisp.net; chiefdavis@chiefsolutionsinc.com; epbusinessjournal .  
<epbj@sbcglobal.net>; Darwin.Messer@usace.army.mil; Skipper.Scott@usace.army.mil; maria torres  
<mujercoahuilteca@gmail.com>

Subject: Re: Notify The Texas Historical Commission, Mr. Mark Wolf, Texas Historical Preservation  
Officer of The Pacuache Clan of Texas of Pulapxam El Rio Grande Del Norte San Juan Baustista-San  
Francisco De Solano-San Bernardo-San Bernardino Missions Indigenou...

## THE PACUACHE CLAN OF TEXAS

*Missions Indigenous Lineal Descendants San Juan Baustista-San Bernardo De La Candela our Sacred Anacacho Dacate Sacatsol Mountains, Chotilapacquen Ona River, Elm Creek, Pilapaxam-Pulapacxam River, Nueces River, Rio Grande River, Yanaguana River San Antonio Missions, Indigenous Missions Lineal Descendants to South Texas and Northeastern Mexico, Tribal Nation Inherent Sovereign Self Government. Foundation 1675*

Re: The Pacuache Clan of Texas request consulting Party Status under Section 106 in reference to the REIS Meetings Program Expansion, Maverick County Texas of Site under REIS Archeological Regulations. Permit Renewal/Revision/Expansion/Blasting Mining for the Two Republicas Docket No. C5-0003-SC42-C Permit No. 42A, Docket. FD35554. REIS Archeological Regulations. Publish the Notice of Intent to prepare an EIS in the Federal Register on 10/24/2013, Public Publication on Newspaper, The News Gram 2543 Del Rio Blvd., Eagle Pass, Texas on 11/1/2013, USACE Scoping Announcement Regional EIS for Surface Coal and Project Expansion Lignite Mining, NEPA Supplemental Study Category 3 IP Fort Worth District in Texas October 2013 and Conducting by USACE under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899, 404(b)(1) guidelines and public interest review analyses, 42 USC 4332(2)(c) amended Mine Expansions areas 1,2,3,4,5,6 and other Federal and State permits and approvals, USACE Scoping Meetings on December 3, 4, 5, 2013 from 4-7pm at Uvalde, Temple, Tyler Texas. USACE use of a Third party Contract arrangement will be utilized to develop the REIS funded by the Texas Mining and Reclamation Association and addition the USACE invitation to the US Environmental Protection Agency, US Fish and Wildlife Service, Office of Surface Mining, Natural Resources Conservation Service, RRC of Texas, TECQ, Texas Parks and Wildlife Department, Texas Historical Commission, the Louisiana Department of Wildlife and Fisheries to be cooperating agencies in the formulation of the Regional Environment Impact Study, the Pacuache Clan of Texas request to USACE a copy(s) of USACE THE SCOPING ANNOUNCEMENT to send this copy(s) to our Clan. Attachments

December 12, 2013

Re: The Pacuache Clan of Texas Amend(s) Formal Letter Request Party Status under Section 106 and USACE Scope Formal Commentaries Letter.

December 6, 2013

U.S. Army Corps of Engineers, Fort Worth District  
Attn: Mr. Darwin Messer, Project Manager,  
REIS Archeological Regulations  
c/o Archeology Division Section  
Mr. Skipper Scott  
P.O. Box 17300

819 Taylor Street  
Fort Worth, Texas 76102  
(817)886-1306  
(817)886-1742  
Darvin.Messer@usace.army.mil  
Skipper.Scott@usace.army.mil  
Dear Mr. Darwin Messer,  
c/o Mr. Skipper Scott

Greetings. The Pacuache Clan of Texas we are Missions Indigenous Lineal Descendants, Our Clan is a Sovereign, Inherent, Self-Determination people. We have Cultural, Linguistic and Family affiliation to our Ancestral Sacred Land in the area of Eagle Pass proposed Coal Mine, Maverick County Texas of site of permit mine for the Dos Republicas renewal/revision/expansion/blasting Mining Docket No. C5-0003-SC-42-C Permit No. 42A, TCEQ Docket No. 2011-1565-IWD Water Discharge renewal Water Discharge Permit WQ000351100, REIS Docket No FD35554.

The Pacuache Clan of Texas honors and always connects to our Maternal Mothers our families gather at our Ancestral Sacred Indian Ground Elm Creek many times in more than 400 years our Clan History our Clan is submitting a picture at Eagle Pass Texas at Elm Creek early 1900's of our Family Perez gathering on our Sacred Indian Land Elm Creek and the middle of picture is my Grand Mother Guadalupe De Palma Perez and my Great Aunts and Great Uncles, in addition a picture wedding at Eagle Pass Texas of our Great-Great-Grand-Mother Guadalupe Perez to Vicente De Palma in the year 1893, the year of 1920's the wedding at Eagle Pass Texas of my Great-Grand-Mother Guadalupe Perez to John Coyle. Attachments

The Pacuache Clan of Texas is requesting to you U.S. Army Corps of Engineers for Consulting Party Status under Section 106. The Pacuache Clan of Texas cites NAGPRA, 36 USC 800, The Archeological Resources Protection Act 1979 16 USC, and The Native American Freedom Religious Act 1996, 25 USC, The National Historic Preservation Act of 1966 Amended 16 USC Executive Order 13287 Preserve America Section 3 Inventory of Historic Properties required by Section 110 (a) (2) and operating procedures for compliance with Section 110 and Section 111 of the NHPA 16 USC 470 h-2 and 470 h-3 and NHPA 16 USC 470 et seq, NHPA Section 10 (d) THPO, and The National Environmental Policy Act 42 USC 4321 et seq, USACE 404.

The Pacuache Clan of Texas cites authorities are further supplemented by the following federal authorities which gives Native American Tribes further protections and privileges see: Tribal participation as noted in the section dealing with tribal participation in general the regulations require agencies to seek information in accordance with agency planning processes from Indian tribes likely to have knowledge of or concerns with historic properties in the area as agencies begin their efforts to identify historic properties subject to effect 36 CFR 800.(a)(I)(iii). Agencies

are encouraged to notify interested persons and parties known to be interested in the undertaking and its possible effects on historic properties, such as concerned tribes, if the agencies determine that no historic properties exist in the area subject to effect. Also agencies are required to notify interested persons who have made their concerns known to the Agency Official, if agencies determine that such properties do not exist but will not be affected 36 CFR 800.5(b). Tribes and others who disagree with and agency's determination can seek Council review of the determination under 36CFR 800.6(e) (I). All these provisions apply to non-Indian lands as well as to Indian Lands. The Pacuache Clan of Texas again asks USACE to take judicial notice of the statutes cited in this paragraph.

Enclosed we are submitting to you the Cultural Resources Sites Inventories and Map Supplemental 125, letter dated March 19, 2012 to Mr. Dave Navecky of Surface Transportation Board our Clan requesting a Full Regional Environmental Impact Statement Investigation Report. Our Clan is also submitting to you the letter dated August 26, 1994 by the Texas Historical Commissions on Destruction of two archeological sites by Dos Republicas Company were this Company Dos Republicas start construction Road at proposed Mine Site and Dos Republicas had to stop is Road construction due to Dos Republicas conducting Destruction of our Ancestral Sacred Burial Ground Site. Attachments

The Pacuache Clan of Texas appreciates you will inform us of REIS starting Study(s) and Report(s) conducting by the U.S. Army Corps of Engineers Environmental and Cultural Resources Impacts already happen destruction of two archeological sites by this Dos Republicas Company and already has inflicted to our Pacuache Clan of Texas has been injured and will continue to be injured due to the wholesale destruction of our Coahuilteco Indian Sacred Sites located in and around the Mine Site.

The Pacuache Clan of Texas during proceedings in 2011 for these two renewal permits for Dos Republicas Surface Mining Blasting and water discharge permits our Pacuache Clan is a autonomous Clan from any other Clan and our Clan joined only in this legal matter with another autonomous Clan The Coahuilteco Research Associates CRA and they are a Indian Tribe from the Mesquite-Payaya Clans Nation and they are also Missions Indigenous Lineal Descendants, they were granted interested party status by the Federal Surface Transportation Board in 2007, they were afforded the same consideration by the US Army Corps of Engineers in the same year.

The Pacuache Clan of Texas will like to inform you we are presently in litigation at Travis County District on the permit for surface Mine blasting and destruction of our Sacred Land by Dos Republicas and at great risk our losing and destruction for proposed Coal Mine of more of 100 archeological sites on top and around proposed Coal Mine.

The Pacuache Clan of Texas will like to inform USACE we are including exhibits of the News Gram Publication information Publication on 11/1/2013, the Intent to Prepare a Regional Environmental Impact Statement for Surface Coal and Lignite mining in the State of Texas (6) pages Billing Code 3720-58 Department of Defense, Department of the Army; Corps of Engineers, and the USACE Scoping Announcement October 2013 total (7) pages including the Comment Form (2) pages our Clan has filled Commentary Form and Contact information and the Project mailing list for the REIS for Surface Coal and Lignite Mining in the State of Texas where we mark and check to add our name to the mailing list and we sign up to receive the REIS to receive a CD of the RIEZ for review when it is available, and we check yes to send us a CD of the REIS for review. Attachments

The Pacuache Clan of Texas position on USACE meetings conducted on 3, 4, 5 December 2013 my constituents residents of Eagle Pass Texas were deprived of the rights to voice opposition of proposed Coal Mine Eagle Pass City by the USACE to attended meeting on 3, December 2013, many Eagle Pass residents including parents, senior citizens, disability access for people with disabilities, veterans, other groups could not afforded to travel hour and half to commute from Eagle Pass to Uvalde where USACE meeting conducted this Scope Meeting. Mr. Messer please let know our Clan if you can consider this Request.

The Pacuache Clan of Texas position for the interest of justice our Clan requests you the USACE a Public Meeting to be conduct at Eagle Pass Texas Community citizens for their voice to be hear in the proposed Coal mine site at Eagle Pass Texas City Community and because Eagle Pass citizens were deprived and had a hardship to attend meeting because many are parents, seniors citizens, veterans, citizens with access disabilities and were not available to travel one hour and half form Eagle Pass to Uvalde Texas to attend Meeting on December 3, 2013.

Mr. Messer please lets us know if there is any other information that will be helpful to you. The Clan greatly appreciates our request for a Meeting at Eagle Pass Texas and also you update us in reference to EIS Meeting or any other important information to this delicate matter.

Respectfully,

The Pacuache Clan of Texas  
Mary Torres  
Tribal Chairwoman  
Director  
Missions Indigenous Lineal Descendants  
935 West Silver Sands Dr. #2705  
San Antonio, Texas 78216  
(210) 483-3879

Residence (210) 341-9275

Email: [mujercoahuilteca@gmail.com](mailto:mujercoahuilteca@gmail.com)

Enclosures pdf Format and all Attachments will be send US Postal Service urgent next day delivery and US Postal Delivery Return Confirmation

The Pacuache Clan of Texas **Commentaries** to the USACE due December 20, 2013

The Pacuache Clan of Texas position on proposed Coal Mine our Indian Clan is already been injured and will continue to be injured will suffer great emotional stress, dress, and physical harm due to the wholesale destruction of our Coahuilteco Indian Sacred Sites located in and around the Coal Mine Site by Dos Republicas activities at our Ancestral Sacred Site of more than 100 archeological sites in proposed Coal Mine and around proposed Coal Mine on August 26, 1994. The Issues at stack are during Texas Railroad Commission Hearing on Monday January 30, 2012 in open court attorneys for the defendants made the dogmatic statement to the effect that "there will be no impact made on any historic sites in the project area". Because our Clan and we were the petitioners present in court that day, and heard this statement. Issue, the proposed Coal Mine will cause total destruction of Native American cultural items to include Human remains, funerary objects, sacred objects, Objects of Cultural patrimony our Ancestral Indian Lands at proposed Coal mine site are significant Historic and significant under Cultural Regulations. Issue, Dos Republicas violations under Cultural Regulations of State and National Antiques Laws Section 106. Issue, Piedras Negras City Coahuila Mexico already has a Coal Mine in operation. Issue, under section 106 uncompleted Natural and Cultural Resources Reports and Inventories before proposed Coal Mine and presently uncompleted Natural and Cultural Resources at proposed Coal Mine. Issue, Pacuache Clan of Texas position at proposed Coal Mine is Sacred Burial Ground the entire Site is Sacred Ground. Issue, The Pacuache Clan position over more than 100 sites on a Formal Complaint Clan will be summit to The Advisory Council of the Historic Preservation or The Office of Native Americans Affairs and Department of Interior, Bureau of Indian Affairs included Southwest Regional Office, The Clan position on our Ancestral Sacred Site as a whole connectivity of our past Ancestral Human way of life conducted for thousands of years is eligible as a National Historic Register Site Patrimony of Humanity. Issue, violations not notifying, reporting and monitoring Sacred Site of proposed Coal Mine under NAGPRA Roberto Valencia of Yaqui Traditional Tribe and the formal Southwest Region NAGPRA Chairmen. Issue, 8000 acres that are going to be destroyed with dynamite blasting at a Sacred site with many Indian burials yet to be unearthed. Issue, in addition the area of Eagle Pass leading into Mexico has very culturally rich deposits especially around the natural crossings of the Rio Grande River to include Paso Del Pacuache and Paso de Francia, which is known as the Gateway to Texas. Issue, Clan had ask the Court to block and take effect from construction this 8000 acre Coal Mine near Eagle Pass, Texas on Final Order Travis Court did not dismiss this Issue of Clan. Issue, destruction of natural habitat for our Sacred Ocelot, Jaguarundi, other Sacred spices at proposed Coal Mine Site Eagle Pass Texas, the proposed Coal

Mine NHPA: Section 106 [see 43 CFR 10.2 (d) NAGPRA: SECTION 3 the record show that the permitted are has at least two endangered species that roam in the permitted are sic: "Wildcat kittens have been observed suggesting that perhaps these areas could be a home range." This flagrant disregard of Federal laws given to us by the U.S. Fish and Wildlife and the Texas Parks and Wildlife should not be allowed. The issue, the proposed Coal Mine will discharge under the earth underground highly toxics nitros (nitratos) these toxics are highly corrosive and will destroy every archeological site including the presence of Native American cultural items to include Human remains, funerary objects, Sacred objects, Objects of cultural patrimony. Issue, whether the proposed discharge and dust from the facility would contaminate or degrade the quality of Elm Creek Land its Tributaries which are claimed by the Pacuache Clan of Texas as our ancestral lands as Indians. Issue whether the draft permit would allow violation of water quality standards. Issue whether the facility would cause health hazards and nuisance conditions. Issue whether the proposed discharge would contaminate drinking water sources. Issue whether Agency staff properly calculated the water quality-effluent limits and accurately concluded that the discharge would comply with Texas water quality standards exhibit by Eagle Pass Business Journal 10/29/2011 in this newspaper expressly provides that the Dos Republicas Coal Partnership's Eagle Pass Mine discharge of mine seepage and storm waters will affect the public water supply of City of Eagle Pass, aquatic life on the Elm Creek and the Rio Grande River and contact recreation areas on these waterways. Issues the permit water for mine authorizes Dos Republicas Partnership to discharge storm water and mine seepage from the active mining area subject to the following suspended solid 3.5 daily, iron 3.0 daily, manganese 2.0 daily, selenium n/a daily, in addition to these known carcinogenic chemicals the Dos Republicas is authorized to discharge into Elm Creek and the Rio Grande River on a daily basis the following effluent chemicals aluminum, antimony, arsenic, barium, beryllium, cadmium, chromium, trivalent chromium, hexavalent chromium, copper, cyanide, lead, mercury, nickel, selenium, silver, zinc, bod, carbonaceous biochemical oxygen, chemical oxygen, organic carbon, ammonia nitrogen, total suspended solid, nitrate nitrogen, organic nitrogen, phosphorous, oil and grease, residual chlorine, total dissolved solids, sulfate, chloride, fluoride, fecal coliform, and others. Issue when coal surfaces are exposed, pyrite (iron sulfide) comes in contact with water and air and forms sulfuric acid. As water drains from the mine, the acid moves into the waterways, and as long as rain falls on the mine tailings the sulfuric acid production continues, whether the mine is still operating or not. This process is known as acid rock drainage (ard) or acid mine drainage (amd). If the coal is trip mined, the entire exposed seam leaches sulfuric acid, leaving the subsoil infertile on the surface and begins to pollute streams by acidifying and killing fish, plants, and aquatic animals which are sensitive to drastic ph shifts, in addition surface mining can adversely impact the hydrology of a region. Deterioration of a stream quality can result from acid mine drainage, toxic trace elements, high content of dissolved solid in mine drainage water, and increased sediment loads discharged to streams, Waste piles and coal storage piles can yield sediment to streams, and leached water from these piles can be acid and contain toxic trace elements. Surface waters may be rendered unfit for agriculture, human consumption, bathing, or other household uses. Flood events can cause severe damage to improperly constructed or

located coal haul roads, housing, coal crushing and washing plant facilities, waste and coal storage piles, settling basin dams, surface water diversion structures and the mine itself. Besides the danger to life and property, large amounts of sediment and poor quality water may have detrimental effects many miles downstream from a mine site after a flood. Overall, it will cause a lot of pollution drinking water. Ground water supplies may be adversely affected by surface mining. These impacts include drainage of usable water from shallow aquifers, lowering of water levels in adjacent areas and changes in flow directions within aquifers; contamination of usable aquifers below mining operations due to infiltration or percolation on spoil piles. Where coal or carbonaceous shales are present, increased infiltration may result in increased runoff of poor quality water and erosion from spoil piles; recharge of poor quality water to shallow ground water aquifers; or poor quality water flow to nearby streams. This may contaminate both ground water and nearby streams for long periods. Issue, Leaching and leach to underground and ground water(s), soil and air contamination a proposed Coal mine site. Issue, Elm Creek pollution of Creek waters and San Miguel formation and impact in other formations or areas describe in permit sections. Issue, past Coal Mining at Eagle Pass in the 1930's there are Sink or sinking(s) Hole(s). Issue, there are Natural blue holds or holds of Ancient water also called Cenotes which they are going to be highly polluted and contamination. Attachments Pictures provided to our Clan by Texas Department Fish and Wildlife on Wildlife observe and seen at Eagle Pass, Texas Ocelot, Jaguarundi, Pacuache Tilijaya Clan of Texas Ancestral drawings from San Juan Bautista Missions, Supplemental Section 125-1 throughout 125-22 Supplement 5 Renewal/Revision/Expansion by Texas Historical Commission on the Natural and Cultural Resources Information at proposed Coal Mine Eagle Pass Texas conducted by Archeologists,

Respectfully submitted,

Kawa Makalo Ate in our Ancient Coahuilteca Dialect, Love your Family Relationships.

Pacuache Clan of Texas  
Mission Indigenous Lineal Descendants  
Mary Torres  
Tribal Chairwoman  
Director  
935 W. Silver Sands Dr. #2705  
San Antonio, Texas 78216  
(210) 341-9275  
Cell. (210) 483-3879  
Electronic mail: [mujercoahuilteca@gmail.com](mailto:mujercoahuilteca@gmail.com)



Cc: Coahuilteco Research Associates

Richard Garay

Tribal Chairman

Director

# Scoping Announcement

## Regional EIS for Surface Coal and Lignite Mining in Texas

October 2013



**US Army Corps  
of Engineers**  
Fort Worth District

The U.S. Army Corps of Engineers (USACE), Fort Worth District (District) is preparing a Regional Environmental Impact Statement (REIS) to analyze potential impacts within defined geographic regions in Texas that may be affected by future USACE permit decisions for future surface coal and lignite mine expansions within the District's area of responsibility. The REIS will analyze the potential future direct, indirect, and cumulative impacts to waters of the U.S. and all other relevant environmental and human resources, and will facilitate the District's formulation of a categorized permit process. This scoping announcement provides information on the REIS and the public involvement process under the National Environmental Policy Act of 1969 (NEPA).

### Why is the Regional EIS being prepared?

Surface coal and lignite mining projects typically conduct work that results in impacts to waters of the U.S. Such work requires permitting under Section 404 of the Clean Water Act, and for projects affecting navigable waters, permitting under Section 10 of the Rivers and Harbors Act of 1899. These programs are administered by the USACE. As part of the permit evaluation process associated with Section 404 and Section 10 permit authorizations, the USACE is also required to comply with the regulatory requirements of NEPA in evaluating the potential impacts of an action.

Historically, permit evaluations associated with surface coal and lignite mine expansions have required substantial time periods for review. These timeframes have been influenced in part by the need to develop resource information, undertake data

gathering efforts, and coordinate with various agencies and their permit review processes. The anticipated number of future permit applications requiring USACE compliance with NEPA, along with agency resource constraints, could further extend review times. The USACE seeks to ensure it can adapt and efficiently respond to multiple concurrent requests for permits that could occur in the future.

Many of the federal and state agency regulatory requirements and environmental issues associated with surface coal and lignite mining projects are similar, such as large landscape alterations, impact avoidance, mitigation measures, performance metrics/monitoring, and contributions to cumulative impacts. Therefore, the USACE is undertaking the REIS to make the NEPA aspect of the USACE's Section 404/10 permitting processes more efficient through the development of information, data, and analysis to be used in 404(b)(1) guidelines and public interest review analyses for potential future surface coal and lignite mine expansions in Texas.

### USACE's Goals for the Regional EIS

The USACE's goals for the REIS are to:

- Provide a NEPA-compliant, scientifically-based regional environmental analysis, including an interdisciplinary cumulative impact assessment, of all relevant resources within the defined geographic regions;
- Develop datasets to assist with the formulation of a categorized permit process;
- Facilitate future NEPA tiering or supplementation for the evaluation of

future project-specific Section 404/10 permit applications for surface coal and lignite mines;

- Establish a cohesive framework for stream mitigation, establish sound performance metrics, and enhance monitoring efforts;
- Assist in streamlining the NEPA aspect of USACE Section 404/10 permitting so that the process is more consistent, predictable, and efficient; and
- Address, as feasible, other agency issues related to resource mitigation.

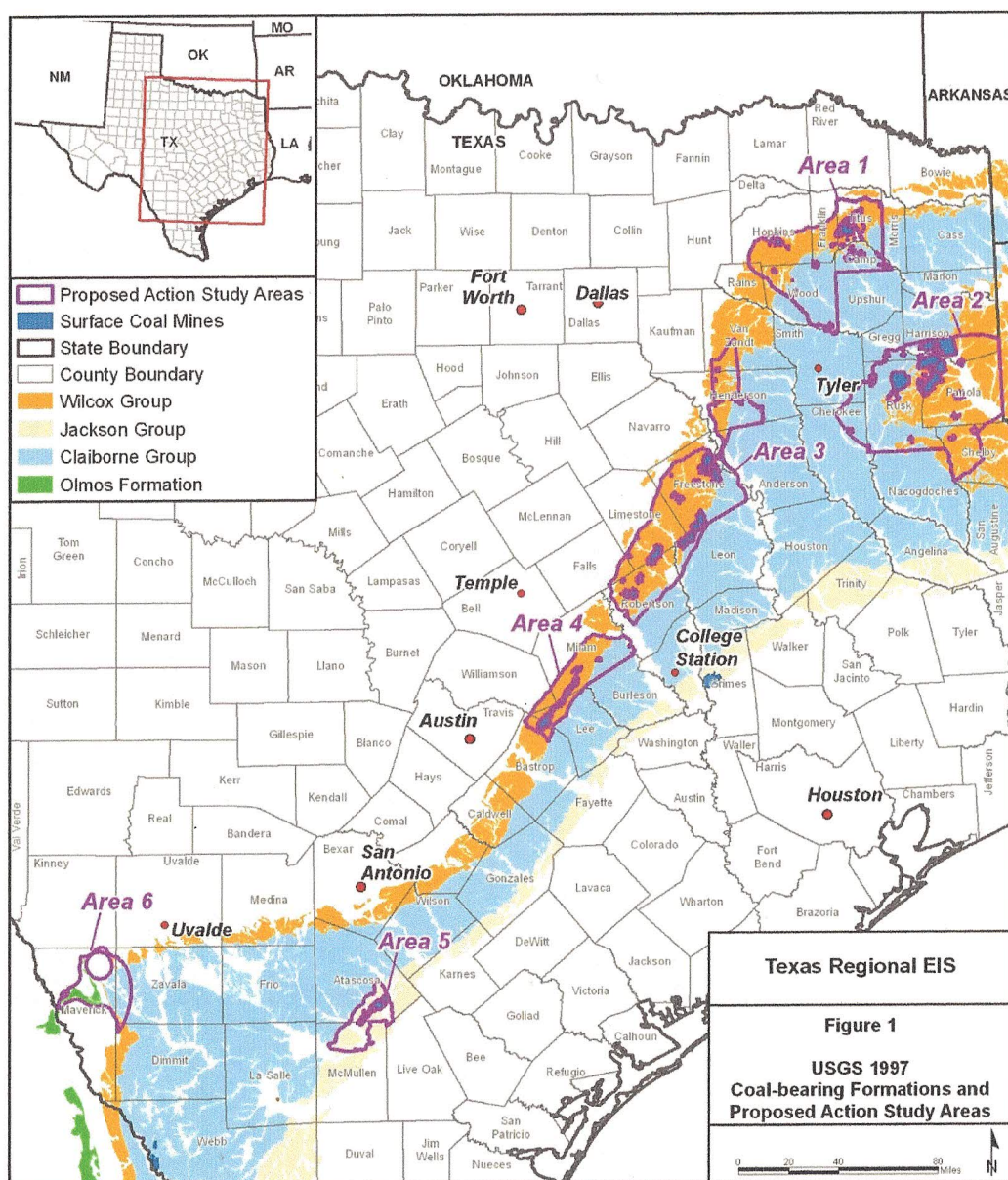
## What the REIS Will Not Do

The REIS will:

- Not render a decision on any specific mine project;
- Not provide complete NEPA compliance for future proposed surface coal or lignite mine expansions; and
- Not provide NEPA documentation for any new power plants.

## REIS Study Areas

The six study areas for the REIS are shown in Figure 1 and summarized in Table 1.





**Table 1: Percent of Each Study Area Potentially Affected by Future Surface Coal or Lignite Mine Expansions**

Proposed Action Study Areas	Approximate Total Acreage in Study Area	Total Estimated Disturbance Acreage under Anticipated Requests for Future Authorizations	Estimated Percent of Study Area Potentially Affected under Anticipated Requests for Future Authorizations
Study Area 1	912,500	13,500	1.5
Study Area 2	1,449,300	50,200	3.5
Study Area 3	1,219,200	50,600	4.2
Study Area 4	365,300	9,800	2.7
Study Area 5	180,800	9,500	5.3
Study Area 6	252,300	25,000	9.9
Total	4,379,400	158,600	3.6

### What are Tiering and Supplementation?

Both tiering and supplementation allow an agency to avoid duplication of effort through incorporation of relevant information and analyses from one NEPA document (e.g., EIS) into another NEPA document. In general, both tiered and supplemented NEPA documents for future surface coal and lignite mines would rely on the REIS analysis plus the future project-specific permit applications and environmental baseline field studies to provide the level of detail needed to support the project-specific NEPA analyses. A supplemented NEPA document would require a greater level of additional information and an expanded analysis due to project-specific issues or updated information since preparation of the REIS.

### Categories for Future NEPA Tiering or Supplementation

The USACE has defined preliminary categories for future project-specific NEPA tiering/supplementation purposes as described below. The Section 404/10 permit requirements also are included.

**Category 1:** Those projects that meet the current Letter of Permission (LOP) CESWF-11-LOP-3. To qualify for evaluation under

LOP-3, projects must be designed to meet certain threshold limits including: 1) no more than 20 total acres of wetlands, of which forested wetlands would be limited to a subtotal of 10 acres, and 2) no more than 20,000 linear feet of stream, of which perennial streams would be limited to a subtotal of 1,000 linear feet. Other factors related to future project-specific impacts would also be considered in the USACE's decision relative to the use of LOP-3. From a NEPA perspective, Category 1 projects would have no anticipated significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 1 projects typically would require a LOP or routine Individual Permit (IP) and a basic Environmental Assessment (EA) with an anticipated Finding of No Significant Impact (FONSI).

**Category 2:** Those projects that would result in impacts to waters of the U.S. in excess of the current LOP criteria. From a NEPA perspective, Category 2 projects would have no anticipated significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 2 projects would require an IP and a more complex, robust EA with an anticipated FONSI or mitigated FONSI.

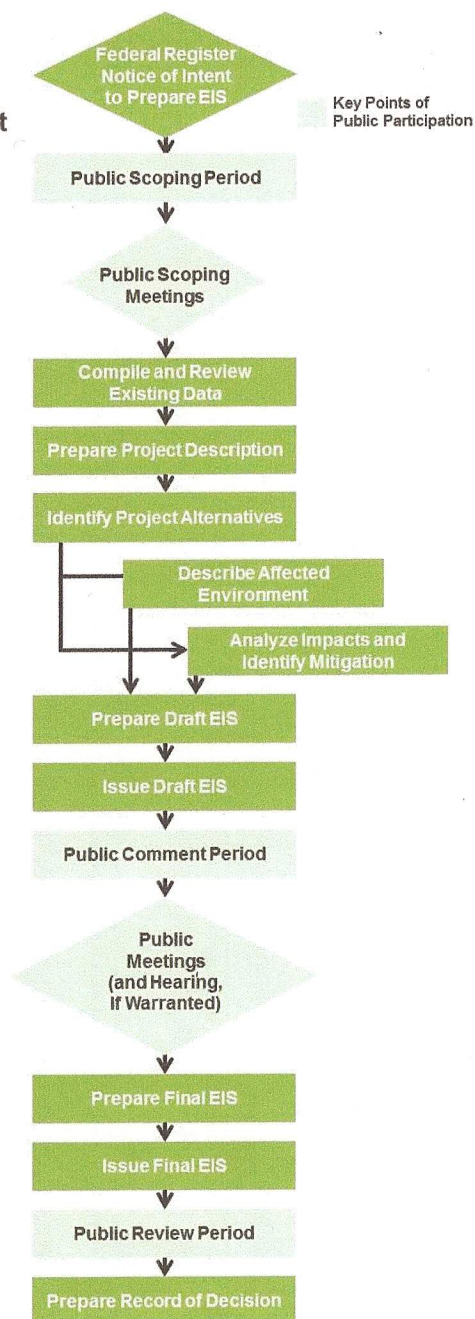
**Category 3:** Those projects that would result in impacts to waters of the U.S. in excess of the current LOP criteria (similar to Category 2). From a NEPA perspective, Category 3 projects would have the potential for significant impacts, as determined by the USACE under their authority as the lead federal agency for the NEPA document.

Category 3 projects would require a complex IP and an EIS.

### Public Engagement – What is Scoping?

As defined by NEPA (1501.7), scoping for an EIS is a process to actively solicit input from the public and interested federal, state, and local agencies on the issues and alternatives to be evaluated in an EIS. Therefore, the public's participation during the scoping period is a vital component to preparing a comprehensive and sound document. The key points of public participation for an EIS include the public scoping period, the Draft EIS public comment period, and the Final EIS public review period. Each of the public involvement periods is initiated by the lead federal agency with publication of a notice in the Federal Register (see Figure 2).

**Figure 2  
NEPA  
Process  
Flowchart**





The USACE initiated the scoping process for the REIS by publishing the Notice of Intent to prepare an EIS in the Federal Register on October 24, 2013. The USACE has scheduled three public scoping meetings to solicit input from the public as identified below. **The public scoping period ends December 20, 2013.**

<b>Uvalde, Texas</b>
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<b>December 3, 2013, 4:00pm to 7:00pm</b>
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<b>Fairplex Event Center 122 Veterans Lane, Uvalde, TX 78801</b>
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<b>Temple/Belton, Texas</b>
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<b>December 4, 2013, 4:00pm to 7:00pm</b>
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<b>Railroad and Heritage Museum 315 W. Avenue B, Temple, TX 76501</b>
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<b>Tyler, Texas</b>
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<b>December 5, 2013, 4:00pm to 7:00pm</b>
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<b>Rose Garden Center 420 South Rose Park Drive, Tyler, TX 75702</b>
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The purpose of the scoping meetings is to:

- 1) Inform the public about the background, purpose, and components of proposed action and
- 2) Solicit public input on the issues, including potential impacts to the aquatic environment, and feedback on any

potential policy-related alternatives that should be considered.

The REIS is a policy-orientated document; therefore, mining-related alternatives (e.g., alternative mining methods) will not be evaluated in the REIS.

If you cannot attend one of the meetings, your comments pertaining to the REIS can be sent to Darvin Messer at the mailing address or email address provided below. **Comments must be received no later than December 20, 2013, the end of the scoping period.** A comment form is attached for your use.

Mr. Darvin Messer, Project Manager  
U.S. Army Corps of Engineers,  
Fort Worth District  
P.O. Box 17300  
819 Taylor Street  
Fort Worth, TX 76102  
[Darvin.Messer@usace.army.mil](mailto:Darvin.Messer@usace.army.mil)

<b>Acronyms:</b>
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<b>FONSI – Finding of No Significant Impact</b>
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<b>IP – Individual Permit</b>
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<b>LOP – Letter of Permission</b>
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<b>NEPA – National Environmental Policy Act</b>
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<b>REIS – Regional Environmental Impact Statement</b>
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<b>USACE – United States Army Corps of Engineers</b>
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**US Army Corps  
of Engineers**®  
Fort Worth District

## Comment Form

Regional Environmental Impact Statement (REIS) for  
Surface Coal and Lignite Mining in the State of Texas

We need your comments! Your input helps us to identify issues for evaluation in the Regional Environmental Impact Statement (REIS) for Surface Coal and Lignite Mining in the State of Texas. Please complete this comment form today or mail to the address below. Comments must be received no later than ***December 20, 2013***.

If you prefer, you may email comments or contact Darvin Messer at:

Mr. Darvin Messer, Project Manager,  
U.S. Army Corps of Engineers, Fort Worth District  
P.O. Box 17300  
819 Taylor Street,  
Fort Worth, TX 76102,  
[Darvin.Messer@usace.army.mil](mailto:Darvin.Messer@usace.army.mil).

**Please provide your comments below (Please print legibly):**

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Signature : \_\_\_\_\_ Date: \_\_\_\_\_

**Contact information. If you would like to receive future project-related announcements, fill in the box on the reverse side of this form.**

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, State,  
Zipcode: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

***Thank you for your interest and participation!***

Fold 2

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**Mr. Darvin Messer, Project Manager  
U.S. Army Corps of Engineers, Fort Worth District  
P.O. Box 17300  
819 Taylor Street  
Fort Worth, TX 76102**

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Fold 1

**Project mailing list for the REIS for Surface Coal and Lignite Mining in the State of Texas**

To have your name added or removed from our mailing list for this project, please check the appropriate box and return this comment form to us. If you do not ask us to remove your name from our mailing list, we will send you future EIS-related announcements.

☐ Add my name to the mailing list

☐ Remove my name from the mailing list

**Sign up to receive the REIS**

To receive a CD of the REIS for review when it is available, please check below.

☐ Send me a CD of the REIS for review

*Note: Fold the comment form on the lines with the return address showing, tape it closed, affix a stamp, and drop it in the mail to us. Additional sheets may be attached.*